

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 949                      Physical Fitness & Health  
**SPONSOR(S):** Benson  
**TIED BILLS:** None                      **IDEN./SIM. BILLS:** SB 2348

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Commerce</u>	_____	<u>McDonald</u>	<u>Whitfield</u>
2) <u>State Administration</u>	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

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**SUMMARY ANALYSIS**

Currently, the Florida Sports Foundation, Inc., is the official sports promotion and development organization for the State of Florida. The Foundation is a private, not-for-profit corporation operating under contract with the Office of Tourism, Trade and Economic Development under the Executive Office of the Governor. The Foundation functions as a private entity and is overseen by 15 board of directors appointed by the Governor and 15 appointed from the private sector. By law, the Foundation is charged with the promotion and development of professional, amateur, recreational sports and physical fitness programs and opportunities in the state. In 1999 the Governor’s Council on Physical Fitness and Amateur Sports was abolished and their responsibilities were absorbed by the Foundation.

HB 949 proposes to create the Governor’s Council on Physical Fitness and Health within the Office of the Governor. The purpose of the council is to promote interest in the area of physical fitness and take action on the issue. The council would be composed of two legislative members and eight non-legislative members; one member of the Senate, appointed by the President of the Senate, one member of the House of Representatives, appointed by the Speaker of the House, and eight persons from the health care professions, the fields of business and industry, physical education, recreation, sports, and the general public, all appointed by the Governor. The council would report directly to the Governor and meet no more than quarterly.

The council’s responsibilities would include (a) examining current physical fitness programs to make recommendations to the Governor for coordination of the programs to prevent duplication of the services, (b) supporting physical fitness programs in the public school system, (c) developing cooperative programs with medical, dental and other groups, (d) stimulating research, (e) sponsoring workshops, clinics, conferences and other related activities, (f) recognizing developments, contributions, and achievements of physical fitness, (g) serving as the sanctioning body for competitive athletic events, and (h) considering the need for new programs in the field of physical fitness. The council would also be responsible for submitting an annual report to the Governor with suggestions and recommendations for the furtherance of physical fitness. In addition to the responsibilities listed above, the council would be responsible for enlisting the active support of individual citizens, professional and civic groups, amateur and professional athletes, voluntary organizations, state and local government agencies, private industry and business, and community recreation programs in efforts to further the goals of the council.

A strike all amendment has been prepared for the sponsor. Please see the section Drafting Issues/Other Concerns for an explanation of the proposed amendment.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0949.com  
**DATE:** March 27, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |   |  |   |
|--------------------------------------|---|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |

For any principle that received a “no” above, please explain:

The bill creates a Council that is housed within the Governor’s Office. Staffing for the Council and payment for other expenses of the operation of the Council are not delineated; therefore, it is assumed that such will be absorbed by the Office of the Governor or will need to be appropriated.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Present Situation:**

##### *Councils in Other States*

Overall, there are 38 states that currently have some entity related to the promotion of sports and physical fitness. While the term “Governor’s Council on Physical Fitness and Sports” is common, derivations of such title in these states are not unusual, including four states entities that are named a “commission,” one state entity that is referred to as a “committee,” another as an “advisory board,” and two state entities that are “coalitions” on physical fitness, health, healthy living or some other reference related to fitness in addition to “sports.” “Governor’s Councils on Physical Fitness” have been created in Arizona, Arkansas, California, Colorado, Massachusetts, Michigan, Missouri, New York, North Carolina, Pennsylvania, Vermont, Washington and West Virginia. These councils are appointed by the Governor and typically are created to promote sports and fitness information, stimulate research, make recommendations about physical fitness to the Governor, assess physical fitness programs, and recruit members of the private sector to partner in fitness promotion efforts.

##### *Florida Sports Foundation*

Prior to 1999, there were two statutorily created entities in the state which performed a number of functions designed to promote sporting activities with the state: the Florida Sports Foundation and the Governor’s Council on Physical Fitness and Amateur Sports. Because of concerns about duplication of effort and costs, in 1999, the Governor’s Council on Physical Fitness and Amateur Sports was abolished and their responsibilities were absorbed by the Foundation.

By law, the Florida Sports Foundation, Inc., the direct support organization for the Governor’s Office of Tourism, Trade and Economic Development (OTTED), is the official sports promotion and development organization for the State of Florida. The Foundation is a private, not-for-profit corporation operating under contract with OTTED. The Foundation functions as a private entity and is overseen by 15 board of directors appointed by the Governor and 15 appointed from the private sector. By law, the Foundation is charged with the promotion and development of professional, amateur, recreational sports, and physical fitness programs and opportunities in the state.

In the area of amateur sports and wellness programs, the Florida Sports Foundation runs the Sunshine State Games and the Senior Games, provides grants to local communities, and works with the

Department of Education on a jointly developed program called the Florida Youth Sports and Wellness Pilot Program. This program, developed in 2002, was designed to promote wellness to Florida's youth by reaching into communities throughout Florida with a positive message on physical fitness, proper nutrition, and the dangers of drugs, alcohol, and tobacco. The Florida Youth Sports and Wellness Pilot Program initiated in Tallahassee attempts to utilize traditional and non-traditional lifetime sports and expand the fitness opportunities available to youth. In 2003, partnering with agencies and organizations dealing with physical education, recreation and health, the Foundation is expanding the program into the following communities: Pensacola, Panama City, Jacksonville, Gainesville, Fort Lauderdale, and St. Lucie County. The target audience for the program participation is K through 8<sup>th</sup> grade with emphasis on 4<sup>th</sup> through 8<sup>th</sup> graders.

### **Effect of Proposed Changes:**

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### **C. SECTION DIRECTORY:**

**Section 1.** Creates the Governor's Council on Physical Fitness and Health within the Governor's Office; provides powers and duties; provides for membership, terms, operation of meetings, and per diem.

**Section 2.** Provides an effective date of becoming a law.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

See Fiscal Comments.

#### **2. Expenditures:**

See Fiscal Comments.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

Some costs will be associated with staffing the Council and with per diem and travel expenses for meetings. The costs are dependent upon the number of staff required and the location and number of meetings. Costs for per diem and travel for a council this size that meets quarterly is estimated to be approximately \$10,000.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The legislation does not require expenditure of funds by local governments, does not reduce the authority to raise revenue, nor reduce the percentage of state tax shared with local governments.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

The language of HB 949 is modeled after North Carolina's statute creating its Governor's Council on Physical Fitness and Health.

A strike all amendment has been prepared for the sponsor which will accomplish the following:

- Place the Council within the Florida Sports Foundation.
- Make the Council an advisory body to the Florida Sports Foundation
- Remove required appointment of two Legislators and replace those with appointments of persons with certain backgrounds and expertise in the areas of physical fitness and health. Of those, one is to be appointed by the Speaker of the House of Representatives and one is to be appointed by the President of the Senate.
- Repeal the Council on July 1, 2008.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**